IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3139 of 2005

Between:

Perumalla Vijayamma, W/o Late P. Seshanna,
R/o Dudyala Village, Kothapalli Mandal,
Kurnool District.

..... PETITIONER

AND

1 The APSRTC, rep. by its Vice Chairman & Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Kurnool, Kurnool District.
3 The Depot Manager, Atmakur (K), Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings No. F2/756(11)/2002-ATK (K) dated 19-1-2005 issued by the 3rd respondent as illegal and arbitrary and consequently direct the respondents to provide employment to the petitioner to the post of Sweeper or Cleaner or Attender in any Depot of the Corporation and pass such other or further order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: MR.Y.V.SWAMY

The Court made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3139 of 2005

ORDER:

This writ petition has been filed to declare the proceedings dated 19-01-2005, issued by the 3rd respondent-Depot Manager, AP Road Transport Corporation, Atmakur, Kurnool District, as illegal and arbitrary.

2. The learned counsel for the petitioner contended that the petitioner is eligible for the posts of Attender, Sweeper and Cleaner. The petitioner made a representation to the 2nd respondent-Regional Manager, to provide employment on compassionate grounds. But the same was rejected on the ground that there is no provision for employment.

3. On the other hand, the learned standing counsel for the respondent-Corporation contended that there is a ban imposed on the recruitment for the posts of Sweeper, Attender and Cleaner and also there is no provision for providing employment to the petitioner for the posts of Sweeper, Attender or Cleaner on compassionate grounds.

4. The factual matrix is not in dispute. Since the petitioner is not eligible for the post of Driver and Conductor, she was rightly directed to take Additional Monetary Benefit in lieu of employment. It is also specifically stated that at present, there is no provision for employment as Sweeper, Attender and Cleaner to the spouse/children of the deceased in the respondent-Corporation. It is also stated that there is only provision for employment of Drivers and Conductors as per the eligibility in accordance with Rules laid down in the Corporation. However, the petitioner is not qualified for the post of Driver and

Conductor and hence, the petitioner was advised to take Additional Monetary Benefit.

5. The learned standing counsel for the respondent-Corporation would submit that since the ban is imposed by the Corporation on the recruitment for the posts of Sweeper, Attender and Cleaner, as an when vacancies arise, her case may be considered to provide any suitable post.

6. Therefore, it is for the respondent to take appropriate decision after lifting the ban to consider the case of the petitioner to provide any suitable post since the petitioner has not taken any Additional Monetary Benefit.

7. With the aforementioned observation, the writ petition is disposed of. No costs.

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March 23, 2005

Kvr

To

1 The Vice Chairman & Managing
Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Kurnool, Kurnool District.
3 The Depot Manager, Atmakur (K), Kurnool District.

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